

**REMARKS****Summary of the Office Action**

Claims 1-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-6, 8-9, 11, and 17 are rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Publication No. 2003-182861.

Claims 1, 3-4, 8, 11 and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,942,212 to Koh ("Koh").

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Koh patent.

**Summary of the Response to the Office Action**

Applicants have amended claims 1, 2, 5-7, and 9-12, and claims 18-31 have been withdrawn.

Claims 1-17 are pending for consideration.

**All Claims Define Allowable Subject Matter**

Claims 1-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 5-7, and 9-12 have been amended in response to the rejection under 35 U.S.C. § 112. The Examiner states that claims 15 and 16 omit the structure or structural relationship that allows the coupling of the one-way clutch to be cut when the elastic member is

lowered. The recited clutch may be any means well-known in the art to allow rotation in only one direction including, but not limited to, a ratchet mechanism. Therefore, Applicant does not feel an explanation of the structural relationship between the claimed elements that allows the coupling of the one-way clutch to be cut is required in the claims.

Claims 1-6, 8-9, 11, and 17 are rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Publication No. 2003-182861. The present application claims priority to Japanese Patent Application Nos. 2003-132092 and 2003-132062, both filed on May 9, 2003. The cited Japanese Publication No. 2003-182861 has a publication date of July 3, 2003. It should be noted that the inventor of Japanese Publication No. 2003-182861 is the same as that of the present U.S. application. On the PATENT ABSTRACTS OF JAPAN English translation of the abstract of Japanese Publication No. 2003-182861, the inventor's name is described as "AMAMOTO SHUICHI." However, this is not correct.

It is conceivable that the Japanese Patent Office mistakenly translated the Japanese character incorrectly. Since the Japanese Patent Office has installed the mechanical translation system in order to prepare the ABSTRACTS, it would be difficult to check the correct pronunciations of all inventors' names and accurately translate them into the English alphabet. MPEP § 706.02(a)(II)(B) states that "[f]or 35 U.S.C. 102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, and must not be applicant's own work." (emphasis added). Because the inventor of Japanese Publication No. 2003-182861 is the same as that of the present U.S. application (Mr. AMAMATO HIDEKAZU (AMAMATO is the family name.)), the rejection under 35 U.S.C. § 102(a) is not applicable. In addition, the cited reference was not published until July 3, 2003 – after the Japanese filing date

of the present application. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(a) of claims 1-6, 8, 9, 11, and 17 be withdrawn.

Claims 1, 3-4, 8, 11 and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,942,212 to Koh ("Koh"). The Examiner asserts that elements 130 and 132 of Koh correspond to the "restraining member" and "engagement member," respectively, recited in claim 1. The restraining member recited in claim 1 "restrains the movement of the engagement mechanism" and "moves along a straight locus at least in the vicinity of an engaging portion between the engagement member and the restraining member so as to engage and disengage from the engagement member." "During the insertion of the input tray 100 into the printer," the rack 130 of Koh "interacts with the wind gear 132 to wind up the torsion spring 134." (col. 5, lines 35-37). "Unless actively released by a user, the ... wind gear 132 does not move relative to the rack 130." (col. 3, lines 17-19). Clearly, even if one assumes that the wind gear 132 of Koh corresponds to the engagement member recited in claim 1, rack 130 cannot be considered the restraining member because it does not "move[] ... between the engagement member and the restraining member so as to engage and disengage from the engagement member" as recited in claim 1. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) of claim 1, and its dependent claims 3-4, 8, 11 and 17, be withdrawn.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Koh patent. Because claim 7 is dependent on claim 1, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Applicant submits that all pending claims are in condition for allowance. Allowance of claims 1-17 is earnestly solicited.

**CONCLUSION**


In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: January 5, 2006

By:   
Kent Basson  
Registration No. 48,125

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202.739.3000